

Loss & Theft:

How to prevent it
and
What to do when it happens
in
Long Term Care Facilities

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Introduction

No one likes to admit it, but loss and theft are facts of life. The sense of losing a valued possession brings out many emotions and feelings for which many people are not prepared. This booklet will help educate staff and residents of long-term care facilities, and their family members about loss and theft -- how to prevent it and what to do when it happens.

In Missouri, long-term care providers are acknowledging loss and theft as serious concerns among residents and their families. We all need to realize when a valuable possession is lost or stolen there is a double loss -- not only is the item gone but the memories associated with it seem to vanish as well. Such a loss may strip away the only comforting item residents may have left to touch, cherish and hold dear to their heart. When people move into long-term care facilities they may already have lost a loved one, their home, their lifestyle, or even their independence to some degree. When someone brings a cherished possession into the facility, it tends to take on more sentimental value. It can begin to feel like the only connection to their previous life.

We all have a responsibility to ourselves as well as others to maintain mutual respect for personal property. No one wants to feel the loss or theft of a valued possession, so we owe it to everyone to provide a sense of security and safety for our personal belongings.

Prevention Tips... for residents to consider

- Label all clothing and personal items with your name, or an ID number. Be sure to use permanent ink.
- Make a full inventory of all personal items. File this inventory in the facility and keep a copy for yourself. (Always update the inventory whenever you get something new or dispose of an item.)
- Have your dentures, hearing aids, eyeglasses and appliances such as televisions, radios and electric razors engraved.
- Take pictures of expensive items, such as engagement rings and wedding bands. These also can be engraved.
- Ask for a personal locked storage space if one has not been provided. (e.g. drawer, cabinet, chest, lockers)
- Report every loss or theft to the facility. (Also, you should document the loss or theft, giving the time, the area, description, and any other important factors.)
- Check your Homeowner's Insurance policy to see if coverage can be extended to cover your property in a long-term care facility.
- Ask to see the facility's policy on loss and theft. If an effective policy does not exist, form a committee of residents and family members to recommend new procedures.

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Prevention Tips... for facilities to consider

- Complete a full inventory of all personal items upon admission and keep it on file. (Always update the inventory when the resident receives something new or disposes of something.)
- Make sure all residents clothing and personal items are marked with a name or ID number.
- Have local police give continual in-service training sessions to staff about the significance of loss and theft.
- Distribute this booklet to all residents and families.
- Name a Lost & Found coordinator, to help residents locate lost items.
- Have a document that gives residents a direct route to follow when they want to report a loss or theft. Post this procedure in a public place.
- Provide each resident with a secure space or personal locker.
- Have unclaimed, unmarked items visible for all residents and family members to see. Setting aside several specific days a month as Lost & Found days may be helpful to residents and families.
- Train staff not to protect another employee who is stealing. (Offer a reward or some type of incentive * for employees who reveal information.)
- A facility can include residents belongings under its own insurance policy.
- Use the facility newsletter to heighten awareness of loss and theft.
- Call the police, it acts as a good preventive measure for the future.
- The most important tip is for facilities to have a written policy regarding loss & theft. This policy should contain strict guidelines that are very specific and concise in definition. Above everything else this policy needs to be enforced, and staff needs to be aware of the consequences that underline this policy.

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Steps to follow when property is missing...

- The resident should report the missing item immediately to the facility. If a resident is unable to report the missing item, then a party acting on the resident's behalf should do so. This report should be in writing and it should include a listing of the item itself, a detailed description, its value, and where the item was last seen.
- Ask the facility what type of action will be taken regarding the missing item. This course of action should be in writing. Then within a reasonable time, set a follow-up appointment with the facility.
- A police report should be filed if there is evidence of foul play. This should be done either by the facility, resident, or a person acting on the resident's behalf. Just a reminder, if a resident has insurance, a police report is needed in order for the claim to be processed.
- Finally if the follow-up report does not satisfy the resident, please contact the local office of the Ombudsman Program in your area. (See back cover for locations.) In some areas legal assistance can be obtained through the Ombudsman Office, if not, a referral will be made at that time. Another option is to "Hotline" the loss or theft to the Division of Aging. At that time, the division can conduct an investigation. This call can be made by either the parties involved or the Ombudsman, whichever way is more comfortable for the resident.

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Resident Rights:

Residents can keep their personal possessions in a long-term care facility as space permits.

According to the Missouri law 13 CSR 15-18.010 (31): **"Each resident shall be permitted to retain and use personal clothing and possessions as space permits. Personal possessions may include furniture and decorations, as approved by the facility. The facility shall maintain a record of any personal items accompanying the resident upon admission to the facility, or which were brought to the resident during his/her stay in the facility, which are to be returned to the resident or responsible party upon discharge, transfer or death."**

The long-term care facility can be held responsible for the loss and theft of personal property if the facility is negligent on it's part.

According to the Missouri law 13 CSR 15-14.042 (16): **"All persons who have any contact with the residents in the facility shall not knowingly act or omit any duty in a manner which would materially and adversely affect the health, safety, welfare or property of a resident."**

The facility needs to maintain a safe and secure environment to minimize the losses that are reasonably foreseeable. This can include screening all potential employees, installing locks where they are needed, and ensuring overall security in the facility. If a resident is unable to keep and use his/her property because the facility is not providing a reasonably safe environment, then the resident's rights are being violated.

When the facility is not in compliance with this regulation, a deficiency is given to the facility by the state. This means the facility has to rectify the violation within 55 days.

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Small Claims Court

If none of these remedies have worked, try small claims court: it's quick and inexpensive.

Filing a case in small claims court against the nursing home is an option when the resident believes the facility was responsible for the theft or loss of their property. Small claims court helps people handle claims of \$1,500 or less with or without the assistance of an attorney.

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How To File a Claim...

- To file in small claims court, the resident should contact their county's courthouse and ask for the clerk who handles small claims court cases. The resident should ask the clerk for a brochure that explains the small claims procedure, filing costs, and petition. Before the resident files the petition with the court, he or she should consider the following:
- Must have the facility owner's name and the address of the nursing home you are suing.
- Ask the clerk to help you fill out the petition. In the petition, you will be the plaintiff and the owner of the nursing home will be called the defendant.
- The clerk will tell you what you need to do to prepare for court and the location, date and time for your hearing.

...and Prepare for your hearing...

- Gather any materials or documents you will need to prove your case. Have these things ready on the hearing date.
- Prepare a brief statement to present to the judge. Be sure to practice it before the hearing.
- Decide if there are any witnesses that could provide testimony to help your case in court. Ask the clerk to subpoena a witness who you think will refuse to voluntarily testify on your behalf. Request the subpoena a few days before the hearing. There will be a court fee to do this.
- Prior to the hearing, contact the clerk to see if the defendant has been served with the summons to appear. If the court has been unable to serve the defendant, ask the clerk what your options are because the hearing will probably be postponed.

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What to do on the hearing day...

- When your case is called, take all your do documents and other materials with you and walk to the front of the court.
- You will be asked to explain your side of the case.
- The judge will then ask the defendant to tell his or her side of the case.
- Once both sides have explained their positions, the judge will determine who wins the case



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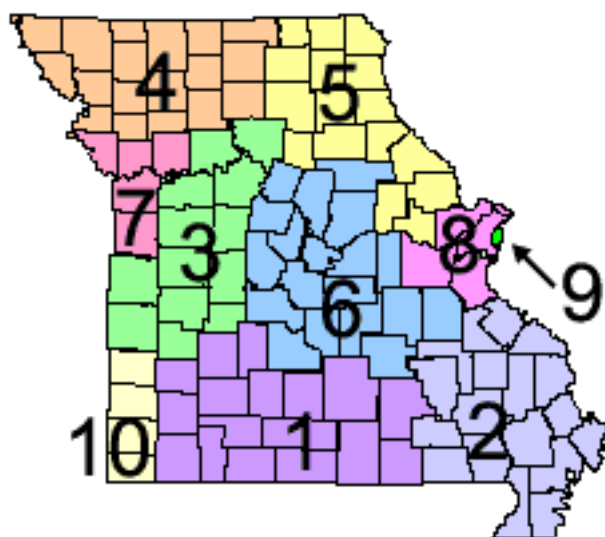


How to collect if the judge decides in your favor...

- The judge will order the nursing home to pay you.
- The nursing home will have 10 days to appeal the judge's decision. If the nursing home files an appeal, a new judge will hear the case again.
- If the nursing home does not appeal the judge's ruling and has not paid you within 10 days of the decision, contact the clerk in small claims court for assistance in enforcing the judgment.

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<http://www.dss.state.mo.us/da/ombud/lt8.htm> was updated 9/25/00 by [Pat Miller](#)



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